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Date: FEBRUARY 21, 2006

To: EXAMINER ABEL JALIL, NEVEEN
U.S. PATENT AND TRADEMARK OFFICE

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From: FRANK C. NICHOLAS
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Client/Matter No.: AUS920000810US1 (9000/18)

of Pages: 26

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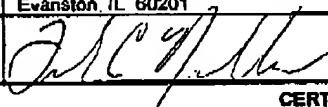

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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Attorney Docket No. | AUS920000810US1 (8000/18) |
| | Application Number | 09/738,368 |
| | Filing Date | DECEMBER 16, 2000 |
| | First Named Inventor | BYRON C. GEHMAN |
| | Group Art Unit | 2165 |
| | Examiner | ABEL JALIL, NEVEEN |

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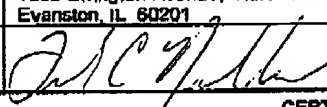
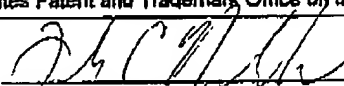
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| TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small> | Attorney Docket No. | AUS920000810US1 (9000/18) |
| | Application Number | 09/738,368 |
| | Filing Date | DECEMBER 16, 2000 |
| | First Named Inventor | BYRON C. GELMAN |
| | Group Art Unit | 2165 |
| | Examiner | ABEL JALIL, NEVEEN |

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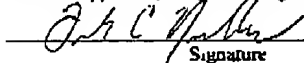
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FRANK C. NICHOLAS (33,983)

Name of applicant, assignee or registered representative


Signature

February 21, 2006

Date of Signature

PATENT

Case No. AUS920000810US1
(9000/18)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

BYRON C. GEHMAN, ET. AL.

Serial No.: 09/738,368

Filed: DECEMBER 15, 2000

Title: METHOD AND SYSTEM FOR
PROCESSING DIRECTORY EVENTS

Examiner: ABEL JALIL, NEVEEN

Group Art Unit: 2165

RESPONSE TO NOTICE OF NONCOMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
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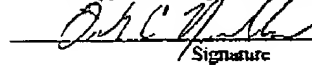
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FRANK C. NICHOLAS (33983)

Name of Appellant, assignee or registered representative



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February 21, 2006

Date of Signature

PATENT
Case No. AUS920000810US1
(9000/18)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of:

BYRON C. GEHMAN, ET. AL.

Serial No.: 09/738,368

Filed: DECEMBER 15, 2000

Title: METHOD AND SYSTEM FOR
PROCESSING DIRECTORY EVENTS

Examiner: ABEL JALIL, NEVEEN

Group Art Unit: 2165

Conf. No. 9818

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

Appellants respectfully present their Brief on Appeal as follows:

February 21, 2006

Case No. AUS920000810US1 (9000/18)

Serial No.: 09/738,368

Filed: December 15, 2000

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1. **REAL PARTY IN INTEREST**

The real party in interest is assignee INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation organized and existing under the laws of the State of New York, USA and located at New Orchard Road, Armonk, New York 10504, USA.

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2. **RELATED APPEALS AND INTERFERENCES**

Appellant and the undersigned attorneys are not aware of any appeals or any interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

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3. STATUS OF CLAIMS

Claims 1-5, 15, 19, 21-24, and 26 are currently pending in the application and stand finally rejected under 35 U.S.C. §103(a) as unpatentable over United States Patent 6,446,077 to Straube ("Straube") in view of United States Patent Publication 2002/0042830 to Bose ("Bose"). Claim 25 stands objected to as depending from a rejected independent claim. All claims are on appeal. See, the Appendix.

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4. **STATUS OF AMENDMENTS**

All amendments have been entered.

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5. SUMMARY OF CLAIMED SUBJECT MATTER

The invention provides a method for processing directory events using a computer. The method includes operating a directory service provider server 30 to perform a data manipulation within a master directory database 31 and operating an event master server 40 to assign S84 a sequence number Sn to said data manipulation. The method further includes operating said event master server 40 to store said sequence number Sn within said master directory database 31.

The invention further provides the method described above further comprising operating said event master server 40 to provide S86 an event message Em to an event service server 41, said event message Em including said sequence number Sn and an event notification En and operating said master database to replicate said sequence number Sn to a replicate directory database 32, and operating said event service server 41 to provide S98 said event notification En to an event client server 42 in response to said replication of said sequence number Sn to said replicate directory database 32.

The invention further provides the method described above further comprising operating said event client server 42 to provide said event notification En to at least one directory client 50 registered to receive said event notification

Another embodiment of the invention provides a method for processing directory events using a computer comprising operating a master database to replicate a data manipulation and a sequence number Sn to a replicate directory database 32, said sequence number Sn corresponding to an event notification En, and operating an event service server 41 to provide said event notification En to an event client server 42 in response to said replication of said sequence number Sn to said replicate directory database 32.

The invention further provides the method for processing directory events using a computer described above further comprising operating said event client server 42 to provide said event notification En to at least one directory client 50 registered to receive said event notification

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Yet another embodiment of the invention provides a system including a master directory database 31 operable to store data, a directory service provider server 30 operable to manipulate said data, an event master server 40 operable to assign a first sequence number S_n to any manipulation of said data within said master directory database 31 by said directory service provider server 30, wherein said event master server 40 is further operable to store said first sequence number S_n within said master directory database 31, a replicate directory database 32 operable to store said data, wherein said master directory database 31 is further operable to replicate said data and a second sequence number S_n to said replicate directory database 32, and an event service server 41 operable to poll said replicate directory database 32 for said second sequence number S_n in response to said first sequence number S_n from said event master server 40. The system additionally includes a directory client 50a-i, and an event client server 42 operable to provide an event notification E_n to said directory client 50a-i, wherein said event service server 41 is further operable to provide said event notification E_n to said event client server 42 when said first sequence number S_n is less than or equal to said second sequence number.

A further embodiment of the invention provides a system including an event master server 40 operable to assign a sequence number S_n to a manipulation of a data within a master directory database 31, an event service server 41 operable to determine said sequence number S_n being stored within a replicate directory database 32, and an event client server 42 operable to provide an event notification E_n to at least one directory client 50a-i when said sequence number S_n is being stored within said replicated directory database, said event notification E_n corresponding to said manipulation of said data.

Yet another embodiment provides a system including one or more directory service providers operable to manipulate data stored in at least one master directory database 31, each data manipulation assigned a sequence number S_n by an event master server 40 and each data manipulation replicated to at least one replicate directory database 32 based on the assigned sequence number, and an event client server 42 operable to notify at least one directory client 50a-i based on the replication to each replicate directory database 32.

See, pages 5-11 of the specification, and FIGS. 1, 2, 3A, and 3B.

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6. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Were claims 1-5, 15, 19, and 21-26 properly rejected under 35 U.S.C. §103(a) as unpatentable over Straube in view of Bose?

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7. ARGUMENTS

Claims 1-5, 15, 19, 21-24 and 26 were not properly rejected under 35 U.S.C. §103(a) as unpatentable over Straube in view of Bose

The 35 U.S.C. §103(a) rejection of claims 1-5, 15, 19, 21-24 and 26 is traversed. In order to maintain this §103(a) rejection, each and every element of the claimed invention must be taught or suggested, in at least as great detail as claimed, by the references, alone or in combination. Because the references do not teach or suggest each and every element, as detailed below, this rejection must fail.

Each element of claim 1 is not taught or suggested

Claim 1 is patentable over the prior art, because the prior art fails to disclose, teach or suggest "operating said event master server to store said sequence number within said master directory database" as claimed. At most, the references teach or suggest operating an EventRequest manager to assign a unique sequence number for each EventData item to the message. See, ¶83 of Bose. Straube does not cure this defect.

The references do not teach or suggest a directory client or event client server

Furthermore, the references, alone or in combination, fail to teach or suggest:

operating said event service server to provide said event notification to an event client server in response to said replication of said sequence number to said replicate directory database, as claimed in claims 2 and 4;

an event client server operable to provide an event notification to said directory client, wherein said event service server is further operable to provide said event notification to said event client server when said first sequence number is less than or equal to said second sequence number, as claimed in claim 15;

an event client server operable to provide an event notification to at least one directory client when said sequence number is being stored within said replicated directory database, as claimed in claim 19; or

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an event client server operable to notify at least one directory client based on the replication to each replicate directory database, as claimed in claim 21.

The teachings of the references relate to an inherited information propagator for objects (Straube) and a system, method and applications for real-time messaging over http-based protocols (Bose). The references make no teachings regarding actions after information has been propagated. Even if the references, *arguendo*, teach information propagation among servers, the references do not teach the existence of event clients or event client servers operable to notify the event clients that the propagated information has been propagated.

Furthermore, the Examiner mistakenly alleges that Bose teaches the event client server in ¶¶81-83. What Bose actually teaches is a real-time messaging system to deliver messages to recipients when messages are originated, "such as may occur during live communications." See, ¶ 81. Bose teaches delivering messages for live communications – Bose does not teach the claimed elements, and rather teaches that a "request-for-identified-event message" is sent by the *client* (i.e. receiver 150) to a *web server* (i.e. web server 152). See, ¶ 82. Additionally, Bose teaches sending actual messages, rather than event notifications, and the distinction here is not merely semantic. A message contains the actual information to be passed, such as information such as may occur during live communications.

The proposed modification would destroy the principle of operation

To the contrary, event notification, as claimed, merely informs the recipient (i.e. event client) that a change (data manipulation) has been made within the directory server. The Examiner's putative modification would result in the actual data manipulation replicated to the event client such that the entire principle of the claimed invention would be destroyed—the event client would functionally become a portion of the directory server. The claimed invention does not replicate the actual data manipulation to the event client, whereas Bose teaches sending the message to the putative event client. Making the modification suggested by the Examiner would require a significant redesign and would *destroy the principle of*

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operation of the references. Such a modification cannot satisfy the strictures of §103(a).

See, MPEP §2143.01, and *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

In the *Ratti* case, the Court reversed the Examiner's rejection of claims directed to an oil seal comprising a bore engaging portion with outwardly biased spring fingers inserted in a resilient sealing member over a references disclosed an oil seal with a bore engaging portion reinforced by a cylindrical sheet metal casing. The Court held that the examiner's suggested modification would require a substantial reconstruction and redesign, as well as a change in the basic principle under which the construction was designed to operate. See, *Ratti*. In this case, the basic principle for the references is real time communication of communication messages (Bose) and propagation of data changes (Straube). Changing the principle of the references to actually send the data manipulation to recipients other than directory servers would entirely change the function of the reference.

The references do not teach or suggest providing event notification to a directory client

Claim 3 requires providing an event notification to at least one directory client registered to receive said event notification. Neither Straube nor Bose, alone or in combination, teaches such a limitation. The claimed event notification is sent, after the event (i.e. replication of said sequence number) to a directory client that is registered to receive notice of the event. At most, Straube in view of Bose teaches relating to data propagation.

Straube in view of Bose does not teach or suggest providing "said event notification to an event client server in response to said replication of said sequence number to said replicate directory database" as claimed in claims 2 and 4. At most, Straube in view of Bose teaches replicating a database. See, *Straube* column 5, lines 11-41. The Examiner erroneously relies on Straube for such a teaching, and Bose does not cure this defect of Straube. Rather, Bose teaches a system, method, and applications for real-time messaging over HTTP-based protocols. At most, Bose teaches assigning sequence numbers for each EventData item to the message when it arrives at the web server or event mediator and then tracking for each receiver the sequence numbers of messages that have been sent to each receiver and thus determining which messages still need to be sent to each receiver." See, ¶83 of Bose.

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At most, Straube teaches that “[D]ynamically inherited information in a database is performed by the use of a propagator which finds related objects and recalculates the appropriate information to update.” Column 9, lines 40-42. Straube does not address or teach regarding events *after* the dynamically inherited information is propagated. Contrary to the Examiner’s assertion in the advisory action, Appellants do not argue an unclaimed element of the claim – the claim requires that “said event notification [is sent] to an event client server *in response* to said replication of said sequence number to said replicate directory database” (emphasis added). That the notification is sent “in response” to another event *necessarily* means that the notification is sent *after* the event. This is not an unclaimed limitation – Appellants are merely attempting to illustrate the many differences between the claimed limitation and the prior art.

The Examiner points to Straube, column 10, lines 64-67 and 11 lines 1-6 and ¶83 of Bose for support. *See*, interview summary mailed Aug. 30, 2005. However, no such support can be found, and the Examiner’s own statements illustrate this omission. The Examiner alleges that the references teach “that the server maintains a directory it is well known in a client-server environment, the client must maintain a directory as well to be able to communicate and synchronize with the server.” Regardless of the veracity of the Examiner’s assertions (which Appellant does not concede), the assertion mis-states the claimed invention, and cannot support the rejections. The claimed invention separates directory maintenance between a server and client to obviate the need for the client to maintain the directory. The Examiner’s allegation that the client must maintain the directory indicates a fundamental misunderstanding of the claim and illustrates that the claimed invention is not rendered unpatentable by the references.

Claim 5 requires operating an event client server to provide said event notification to at least one directory client registered to receive said event notification. Neither Straube nor Bose, alone or in combination, teaches such a limitation. Neither Straube nor Bose address any need for the directory client to specifically register to receive event notifications. The Examiner’s cited support is misplaced. The Examiner cites to Straube, column 4 lines 19-45, but that selection entirely fails to teach or suggest registration, as does the citation to column

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2, lines 5-18. Furthermore, the citation to Bose, ¶¶111-113 is misplaced. That citation merely addresses real time updates or true push of targeted information. *See*, Bose ¶113.

Similarly, claim 26 requires a directory client register configured to allow each directory client to selectively register for one or more event services. Neither Straube nor Bose, alone or in combination, teaches such a limitation.

Likewise, claim 15 requires both a directory client and an event client server operable to provide an event notification to the directory client. Neither element is taught or suggested by the references, alone or in combination. As noted above, the Examiner's citation to column 9 lines 1-25 of Straube and ¶¶81-83 of Bose is misplaced. *See*, Advisory Action mailed November 4, 2005.

Claims 19 and 21 each require an event client server operable to provide an event notification to the directory client. Again, neither element is taught or suggested by the references, alone or in combination.

The objection to claim 25 is traversed, as claim 25 depends from claim 21, which is patentable over the prior art as outlined above. Additionally, the prior art fails to disclose, teach, or suggest each and every element of claim 25.

The claims do not stand or fall together, and each claim is independently patentable. Independent claims 1, 4, 15, 19, and 21 are each patentable over the prior art for the reasons outlined in detail below. Dependent claims 2, 3, 5, and 26 are each also independently patentable as the prior art does not teach or suggest each limitation of the dependent claims, as outlined in detail above. Furthermore, dependent claims 21-24 and 26 depend from allowable claim 21 and are patentable over the prior art for at least the same reasons as claim 21.

Withdrawal of the rejections to claims 1-5, 15, 19, 21-24 and 26 and the objection to claim 25 is requested.

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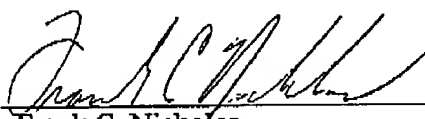
CONCLUSION

The Appellants respectfully submit that claims 1-5, 15, 19, and 21-26 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: **February 21, 2006**

Respectfully submitted,
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8. CLAIMS APPENDIX

1. A method for processing directory events using a computer, comprising:
operating a directory service provider server to perform a data manipulation within a master directory database;
operating an event master server to assign a sequence number to said data manipulation; and
operating said event master server to store said sequence number within said master directory database.
2. The method of claim 1, further comprising:
operating said event master server to provide an event message to an event service server, said event message including said sequence number and an event notification;
operating said master database to replicate said sequence number to a replicate directory database; and
operating said event service server to provide said event notification to an event client server in response to said replication of said sequence number to said replicate directory database.
3. The method of claim 2, further comprising:
operating said event client server to provide said event notification to at least one directory client registered to receive said event notification.

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4. A method for processing directory events using a computer, comprising:
operating a master database to replicate a data manipulation and a sequence number
to a replicate directory database, said sequence number corresponding to an event
notification; and
operating an event service server to provide said event notification to an event client
server in response to said replication of said sequence number to said replicate directory
database.
5. The method of claim 4, further comprising:
operating said event client server to provide said event notification to at least one
directory client registered to receive said event notification.

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15. A system, comprising:
- a master directory database operable to store data;
 - a directory service provider server operable to manipulate said data;
 - an event master server operable to assign a first sequence number to any manipulation of said data within said master directory database by said directory service provider server, wherein said event master server is further operable to store said first sequence number within said master directory database;
 - a replicate directory database operable to store said data, wherein said master directory database is further operable to replicate said data and a second sequence number to said replicate directory database;
 - an event service server operable to poll said replicate directory database for said second sequence number in response to said first sequence number from said event master server;
 - a directory client; and
 - an event client server operable to provide an event notification to said directory client, wherein said event service server is further operable to provide said event notification to said event client server when said first sequence number is less than or equal to said second sequence number.
19. A system, comprising:
- an event master server operable to assign a sequence number to a manipulation of a data within a master directory database;
 - an event service server operable to determine said sequence number being stored within a replicate directory database; and
 - an event client server operable to provide an event notification to at least one directory client when said sequence number is being stored within said replicated directory database, said event notification corresponding to said manipulation of said data.

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21. A system comprising:

one or more directory service providers operable to manipulate data stored in at least one master directory database, each data manipulation assigned a sequence number by an event master server and each data manipulation replicated to at least one replicate directory database based on the assigned sequence number; and

an event client server operable to notify at least one directory client based on the replication to each replicate directory database.

22. The system of claim 21 wherein the directory service provider and a directory event system are linked only by a queue.

23. The system of claim 22 wherein the queue stores modification messages, such that when a modification message is stored in the queue, an event message provider assigns a sequence number to the modification message, wherein the sequence number serves as a marker indicating that the corresponding manipulated data from the master directory database is stored within each replicate directory database.

24. The system of claim 23 wherein the event message provider provides an event message to the event service server, the event message including an event notification comprising the modification message or an edited version of the modification message, the event message further including the sequence number.

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25. The system of claim 24 further comprising a replicate data monitor, the replicate data monitor configured to poll the replicate directory database for the maximum sequence number, the replicate data monitor further configured to compare the maximum sequence number to a current sequence number to determine whether the current sequence number is equal to or less than the maximum sequence number, and the replicate data monitor configured to provide an event notification to the event client server when the current sequence number is equal to the maximum sequence number.

26. The system of claim 21 further comprising a directory client register, wherein the directory client register is configured to allow each directory client to selectively register for one or more event services.

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9. EVIDENCE APPENDIX

Appellants entered no evidence pursuant to §1.130, 1.131 or 1.132, and the Examiner entered no evidence that was relied upon by Appellants.

10. RELATED PROCEEDINGS APPENDIX

There are no copies of related decisions or proceedings.